

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
WARNER BROS. RECORDS, INC.,

Plaintiff,

v.

THIRD POWER ENTERPRISES, INC. dba 3rd
POWER ENTERPRISES, INC., COLD CHILLIN'
RECORDS AND VIDEO INC. dba COLD
CHILLIN' RECORDS & VIDEO, INC., TYRONE
WILLIAMS, AND JOHN DOES 1-60,

Defendants.

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: INDEX NO. 04 Civ. 9583 (MGC)

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: (ECF CASE)

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: **NOTICE OF MOTION FOR**
: **JUDGMENT BY DEFAULT**
: **PURSUANT TO F.R.C.P. 55(b)(2)**
: **AND LOCAL RULE 55.2(b)**

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PLEASE TAKE NOTICE that, upon the Affidavit in Support of Motion for Judgment by Default of Cynthia S. Arato and the exhibits thereto, Plaintiff Warner Bros. Records, Inc. ("WBR") moves for Entry of Judgment by Default against Defendants Third Power Enterprises, Inc. ("Third Power"), Cold Chillin' Records and Video, Inc. ("Cold Chillin'") and Tyrone Williams (collectively "Defendants"), as Defendants have failed to answer the Complaint filed in this action or otherwise move, and the time for Defendants to answer or otherwise move has expired.

Plaintiff will move this Court on April 21, 2005, or as soon thereafter as counsel may be heard, at the United States District Courthouse, located at 500 Pearl Street, New York, New York, for an entry of judgment by default pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Rule 55.2 (b).

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civ. Rule 6.1(b), opposition papers if any must be served within ten business days after service of these papers; and reply papers, if any, must be served within five business days after service of the opposition papers.

Dated: New York, New York
March 22, 2005

GIBSON, DUNN & CRUTCHER LLP

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